

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES R. LOPEZ, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ALAMEDA COUNTY SHERIFF'S )  
 DEPARTMENT, )  
 )  
 Defendants. )

No. C 12-5107 RMW (PR)  
ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
VOLUNTARY DISMISSAL

On October 1, 2012, plaintiff, a prisoner currently incarcerated at Santa Rita County Jail in Alameda County, filed a federal civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff has now filed a letter addressed to the Court requesting that the complaint be withdrawn. (Doc. No. 4.) Plaintiff may voluntarily dismiss his complaint with or without order of this court. See Fed. R. Civ. P. 41(a)(2); 41(a)(1)(A). Said dismissal may be with or without prejudice, but unless plaintiff's notice of dismissal or the court order states otherwise, it is deemed to be "without prejudice." See Fed. R. Civ. P. 41(a)(1); 41(a)(2). Because the opposing parties have not been served, plaintiff's request for voluntary dismissal is construed as a "notice of dismissal," and requires no order from the court. Fed. 41(a)(1)(A)(i).

Accordingly, this action is DISMISSED. The Clerk shall close the file.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

*Ronald M. Whyte*  
RONALD M. WHYTE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

CHARLES LOPEZ,  
Plaintiff,

Case Number: CV12-05107 RMW

**CERTIFICATE OF SERVICE**

v.

ALAMEDA et al,  
Defendant.

---

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 3, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Charles R Lopez AWK-394  
Santa Rita Jail  
5325 Broder Boulevard  
Dublin, CA 94568

Dated: December 3, 2012

Richard W. Wieking, Clerk  
By: Jackie Lynn Garcia, Deputy Clerk